



OLR RESEARCH REPORT

September 20, 2012

2012-R-0381

OLR BACKGROUNDER: THE HEALTHY, HUNGER-FREE KIDS ACT OF 2010

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This report provides a brief summary of major provisions in the Healthy, Hunger-Free Kids Act of 2010.

SUMMARY

The Healthy, Hunger-Free Kids Act of 2010 (HHFKA, [P.L. 111-296](#)) reauthorizes the 2004 Child Nutrition and WIC Reauthorization Act ([P.L. 108-265](#)) and includes several provisions to improve child nutrition. Among other things, it:

1. provides funding for and increases access to the National School Lunch, School Breakfast, Child and Adult Care Food (afterschool meals), and Summer Food Service programs;
2. makes changes to the federal Women, Infants, and Children (WIC) program to support breast feeding initiatives, increase research funds and program access, and scientifically evaluate the program's food package every 10 years;
3. improves school meals policy by requiring the USDA to establish national, science-based nutritional standards for all foods sold and served during the school day;
4. improves the content and transparency of local school wellness policies;

5. establishes a competitive grant program to develop farm-to-school programs and school gardens; and
6. establishes annual certification and training requirements for school food service personnel.

FEDERAL SCHOOL MEAL PROGRAMS

The U.S. Department of Agriculture (USDA) oversees the administration of several federal child nutrition programs, including the National School Lunch, School Breakfast, Child and Adult Care Food, and Summer Food Service programs, which provide children access to healthy food and nutrition education.

National School Lunch (NSLP) and School Breakfast Programs (SBP)

The NSLP and SBP reimburse states for the cost of providing healthy meals to low-income children in public and private schools and residential child care institutions (such as a group home). School boards must apply to their state child nutrition agency (the State Department of Education in Connecticut) to create a program. Children from families with incomes at or below 130% of the federal poverty level (FPL) (\$24,817 for a family of three in 2012) are eligible for free meals; those whose family income is between 130% and 185% of the FPL (\$35,317 for the same family size) are eligible for reduced price meals.

HHFKA makes foster children categorically (automatically) eligible for all federal school meal programs, eliminating the need to fill out a paper application (§ 102). Head Start participants, homeless children, and children living in a household receiving Supplemental Nutrition Assistance Program (SNAP, formerly known as Food Stamps) or Temporary Assistance for Needy Families (cash welfare) benefits are already categorically eligible. These children can be directly certified for free meals without a paper application through a data exchange with state agencies.

It also establishes a demonstration program to implement and evaluate direct certification using Medicaid eligibility data. Six states (Alaska, Florida, Illinois, Kentucky, New York, and Pennsylvania) applied for and began their programs in July 2012. Additional states will be allowed to participate in future years (§ 103).

By law, all schools must directly certify for free school meals children living in households receiving SNAP benefits. HHFKA provides the USDA \$4 million each year from 2011 to 2013 to award performance bonuses

to up to 15 states with “outstanding” or “substantially improved” direct certification systems (states must meet certain federal benchmarks for direct certification rates) (§ 104). It also creates a new “Community Eligibility” option that allows schools with high percentages of low-income children to provide free meals to all students without collecting applications. Schools with at least 40% of their students directly certified for free meals may participate in this option, which is being phased in over a three-year period (§ 104).

In addition, the act:

1. increases, by six cents, federal reimbursement for the NSLP for school districts that certify they are in compliance with new 2012 USDA school nutrition standards (see below)(§ 201);
2. provides grants, within available appropriations, to local educational agencies to establish, maintain, or expand the SBP, giving priority to schools and institutions with at least 75% of children eligible for the program (§ 105); and
3. requires federal funding for school meal programs to be used only for that purpose and be excluded from state budget restrictions or limitations (§ 201).

Child and Adult Care Food Program (CACFP) Afterschool Meal Program

Among other things, the CACFP funds afterschool meals; educational and enrichment activities, such as tutoring, arts and crafts, music; and community service projects for at-risk students. The program targets areas where at least 50% of local elementary, middle, or high school students qualify for free or reduced-price school meals. The HHFKA expands the program to all states. Previously, it was only offered in the District of Columbia and 13 states, including Connecticut. The act also provides \$10 million to the USDA to provide training, technical assistance, and a guidebook to program sites (§ 122).

Summer Food Service Program

The Summer Food Service Program provides free nutritious meals and snacks to low-income children during the summer months when they are out of school. States approve program sites which are operated by private, nonprofit organizations in low-income areas where at least half of the children are from families eligible for free or reduced-price school meals. The HHFKA eliminates the limit on the number of sites that the

nonprofits may operate. Previously, these organizations could generally only operate up to 25 sites with no more than 300 children at each site. The act also requires the organizations to enter into permanent operating agreements that include provisions for revising or terminating the agreement. And it authorizes \$20 million for FYs 11-15 for state grants to provide technical assistance, site improvements, and other activities to retain program operators (§§ 111 & 113).

WOMEN, INFANTS, AND CHILDREN (WIC) PROGRAM

The federal WIC program provides supplemental nutritional assistance to pregnant and breastfeeding women and their children up to their fifth birthday. To qualify, family income cannot exceed 185% of the FPL for the family size (an unborn infant counts as a household member). In addition, the recipients must be considered nutritionally “at-risk” (e.g., either low birth weight- or dietary-based (poor eating habits)).

The program, administered by the Department of Public Health (DPH) in Connecticut, provides (1) nutritious food supplements (nutrition professionals prescribe food and issue checks to participants to redeem at supermarkets), (2) individual nutrition assessments and education, (3) breastfeeding promotion and support, (4) coupons to buy fruits and vegetables at local farmer’s markets, and (5) referrals to other health and social services.

The HHFKA contains several provisions affecting the WIC program. Among other things, it:

1. requires the USDA to conduct a scientific review of the WIC food package every 10 years (§ 232);
2. gives states the option to certify children to receive benefits for one year instead of six months (Connecticut still certifies children for six months after which they can reapply)(§ 131);
3. requires states, with certain exceptions, to implement an electronic benefit transfer system (EBT, an electronic card that replaces paper coupons) by October 1, 2020 (§ 352); and
4. increases WIC research funding from \$5 million to \$15 million (§ 352).

It also promotes breastfeeding by (1) requiring DPH to recognize exemplary breastfeeding practices at local WIC agencies, (2) providing performance bonuses to states with the highest and most improved

breastfeeding rates, (3) requiring DPH to collect state and local breastfeeding data, and (4) providing \$90 million for WIC peer counseling programs, which provide breast feeding education and support (§ 231).

SCHOOL NUTRITION STANDARDS

HHFKA made the first major changes in school meals policy in over 15 years by requiring the USDA to establish national, science-based nutritional standards for all foods sold and served during the school day, including school meal programs, vending machines, a la carte lunch lines, and school stores. The [final standards](#) were issued in January 2012 and took effect in July 2012. They are based on both the recommendations of an expert panel convened by the Institute of Medicine and the USDA's [2010 Dietary Guidelines for Americans](#). Among other things, the standards:

1. ensure students are offered (a) both fruits and vegetables daily, (b) more whole-grain rich foods (at least half of all grains served), and (c) only non- or low-fat milk;
2. limit caloric intake based on the student's age to ensure proper portion sizes; and
3. increase the focus on reducing the amounts of saturated fat, trans fat, and sodium in school foods (§ 208).

The act also requires schools to provide access to free drinking water where meals are served (§ 203). School districts must update their nutritional guidelines to meet these standards and must be audited every three years to ensure compliance.

SCHOOL WELLNESS POLICIES

The 2004 Child Nutrition and WIC Reauthorization Act requires school districts participating in federally funded school meal programs to develop and implement a local school wellness policy that addresses nutrition and exercise. HHFKA updates the requirements of these policies and increases opportunities for public input when they are periodically reviewed and updated. Policies must include (1) goals for nutrition promotion and education, physical activity, and school-based activities; (2) nutrition guidelines for foods available on school grounds; (3) guidelines for reimbursable meals that comply with USDA regulations; and (4) an implementation plan.

In addition, local school districts must allow students, parents, school food personnel, administrators, school board members, and other members of the community to participate in and be kept informed on the development, review, and revision of these policies. Districts must also periodically evaluate and report to the USDA on policy implementation, including school compliance and progress in achieving policy goals.

The USDA is expected to issue a proposed rule this fall and a final rule in the fall of 2013 outlining new guidelines and regulations for local school wellness policies. The agency is also required to conduct an implementation study and report to Congress by January 1, 2014 (§ 204).

FARM-TO-SCHOOL PROGRAMS

Farm-to-School programs encourage the use of locally grown fruits and vegetables in schools, creating new markets for local farms and improving student nutrition. (Connecticut's [program](#) is administered by the Department of Agriculture in collaboration with other state agencies and organizations.)

Starting October 1, 2012, the HHFKA provides \$5 million annually to the USDA to administer a competitive grant program that provides grants of up to \$100,000 to schools, state and local agencies, agricultural producers, and non-profit organizations to develop farm-to-school programs and school gardens (§ 243).

FOOD SERVICE PERSONNEL TRAINING

The act requires the USDA to establish (1) an annual training and certification program for all local school food service personnel and (2) criteria and standards states must use to select state agency directors responsible for administering the NSLP. The USDA is currently developing its training modules and is expected to issue its final rule and implement the training and certification program in 2013 (§ 306).

RESOURCES

Food Research and Action Center website, <http://frac.org/highlights-healthy-hunger-free-kids-act-of-2010/>, last visited on September 17, 2012.

National Conference of State Legislatures, Summary of the Healthy, Hunger-Free Kids Act of 2010, <http://www.ncsl.org/issues-research/human-services/-ncsl-summary-of-the-healthy-hunger-free-kids-ac.aspx>, last visited on September 17, 2012.

Public Health Law Center, The Healthy, Hunger-Free Kids Act of 2010: A Summary of Key Provisions; April 2011, <http://publichealthlawcenter.org/sites/default/files/resources/ship-fs-hhka-summary-2011.pdf>, last visited on September 17, 2012.

Public Health Law Center, The Healthy, Hunger-Free Kids Act of 2010: School Wellness Policies; April 2011, <http://publichealthlawcenter.org/sites/default/files/resources/ship-fs-hhka-schoolwellnesspol-2011.pdf>, last visited on September 17, 2012.

USDA Healthy, Hunger-Free Kids Act of 2010 website, http://www.fns.usda.gov/cnd/governance/legislation/cnr_2010.htm, last visited on September 17, 2012.

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